

# ARKANSAS SUPREME COURT

No. CR 08-550

STEVEN SPARKS  
Appellant

v.

STATE OF ARKANSAS  
Appellee

Opinion Delivered      November 6, 2008

PRO SE MOTIONS TO SUPPLEMENT  
RECORD, TO RELIEVE COUNSEL  
AND PROCEED PRO SE ON APPEAL,  
AND FOR ORAL ARGUMENT  
[CIRCUIT COURT OF WASHINGTON  
COUNTY, CR 2004-323]

MOTIONS DENIED.

## PER CURIAM

Appellant Steven Sparks was found guilty by a jury of three counts of rape and three counts of terroristic threatening and sentenced to an aggregate term of 552 months' imprisonment. The Arkansas Court of Appeals affirmed. *Sparks v. State*, CACR 05-600 (Ark. App. June 27, 2007).

On July 24, 2007, appellant timely filed in the trial court a verified petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1, challenging the judgment. The petition was denied after a hearing, and appellant has lodged an appeal from the Rule 37.1 order in this court. He now asks by pro se motion that we relieve the retained attorney who is representing him in the appeal and permit him to proceed pro se. Both counsel for appellant and the State have filed a brief-in-chief, and the time for appellant's counsel to file a reply brief has elapsed. Appellant stresses that he does not desire that this court strike the brief filed by counsel. His sole ground to relieve counsel is that he cannot afford to pay for further representation. He seeks leave to file pro se whatever

“future documents” may be needed. In a separate pro se motion appellant requests that oral argument be allowed in the case.

The motion to relieve counsel is denied. Appellant has not cited any deficiencies in counsel’s representation or otherwise demonstrated that there is good cause to remove counsel at this point.

With respect to appellant’s request for oral argument, he has not shown that the appeal cannot be decided on the briefs without the need for oral argument. As no good cause has been demonstrated to permit oral argument, the motion is denied.

Finally, appellant asks by pro se motion to supplement the record with the statements of several persons, a message faxed to the court before appellant’s trial, and an “out of court request” to discuss witnesses not called by the defense at trial. As appellant has not shown that the material with which he desires to supplement the record in this appeal was a part of the record in the lower court when the court ruled on the Rule 37.1 petition, he has not established that the record should be supplemented. This court does not consider matters outside the record. *Miles v. State*, 350 Ark. 243, 85 S.W.3d 907 (2002).

Motions denied.